

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

HALEY MARIE CANTRELL ADKINS

PLAINTIFF

ANDREW JORDAN ADKINS

PLAINTIFF

v. v. Case No. 2:21-cv-00031-JPJ-PMS

PAULA MEADE HILL COLLINS

DEFENDANT

MICHAEL MEADE

DEFENDANT

**PLAINTIFF'S MOTION TO FILE AMENDED COMPLAINT**

COMES NOW, Haley Marie Adkins and Andrew Adkins, by Counsel, and hereby move this Court to permit the filing of an Amended Complaint pursuant to FRCP 15 (a) (1) (B), or in the alternative, that the Court enter an Order pursuant to FRCP 15 (a) (2) granting the request to file an Amended Complaint.

In support of their Motion, Counsel avers the following:

1. FRCP 15 (a) (1) (B) permits an Amended Complaint to be filed as a matter of course within 21 days of a Motion to Dismiss being filed pursuant to FRCP 12 (b).
2. The Commonwealth of Virginia filed a Motion to Dismiss on October 29, 2021.
3. FRCP 15 (a) (2) provides that Court approval is required if FRCP 15 (a) (1) (B) is not applicable, and also provides that such amendments be freely given.
4. Counsel has attached to this Motion the proposed Amended Complaint.
5. The proposed Amended Complaint includes alleged violations of federal statutes by Paula Meade Hill Collins and Michael Meade, which were not initially alleged.

6. Contemporaneously with this Motion, Counsel for the Plaintiffs have submitted a Motion to Voluntary Dismiss the Commonwealth of Virginia as a party Defendant pursuant to FRCP 41, in as much as the Commonwealth has chosen not to defend the constitutionality of §20-124.2 (b) (2).

WHEREFORE, Haley Marie Cantrell Adkins and Andrew Jordan Adkins, by Counsel, hereby pray for the following relief:

- (A) That the Clerk file the attached Amended Complaint pursuant to FRCP 15 (a) (1) (B), or in the alternative that the Court enter an Order pursuant to FRCP 15 (a) (2) granting the request to file an Amended Complaint.

HALEY MARIE CANTRELL ADKINS & ANDREW JORDAN ADKINS  
BY COUNSEL

*/s/ Timothy W McAfee*  
Timothy W. McAfee  
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**CERTIFICATE OF SERVICE**

I, Timothy W. McAfee, do hereby certify that on **November 2, 2021** a copy of the foregoing **Motion to file Plaintiffs 1<sup>st</sup> Amended Complaint** was **electronically filed** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of Record.

*/s/ TIMOTHY W. McAFEE*